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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,676	05/10/2001	Gustaf T. Appelberg	814-067.037-1	5088

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EXAMINER

VO, TUYET THI

ART UNIT PAPER NUMBER

2821

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,676

Applicant(s)

APPELBERG ET AL.

Examiner

Tuyet Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24 and 35 is/are rejected.
- 7) ☒ Claim(s) 25-34 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Remarks

Applicant's amendment filed February 13, 2003 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electro-luminescent panel stripe required in claim 18 and the low-level marking of the path of egress required in claim 19 must be shown or the feature(s) canceled from the claims 18 and 19. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawing filed December 20, 2002 is not accepted due to lack of the structure detail as described in the specification. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim 18, lines 8-12, a phrase "said electrical power means further comprising control means for illuminating automatically without operator intervention said EL panel stripe from a non-illuminated state to an illuminated state for a predetermined designated lighting area of the one or more conventional lighting system areas within the building in response to an emergency input triggering event." is not described in the specification. The absence of this teaching in the original specification constitutes a new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. For best understood, claims 18-22 and 35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kim et al. (US Pat. 6,265,833) hereinafter Kim.

Regarding claims 18 and 35, Kim discloses a lighting apparatus comprising:
an electro-luminescent panel (5);

means (3, 4) electrically coupled to a voltage source (2) for providing an electrical power to the EL panel; and

the electrical power means (3, 4) further comprising control means (3) for supplying a desired light intensity to the panel according to an optical sensor (1) detecting an ambient environment which indicates whether the device being used indoor (inside a building) or outdoor.

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However, Kim does not disclose a source of direct current voltage (DC) for providing electrical power to the EL panel.

Using a DC source to power the EL panel is well known in the art for backing up power system, therefore, implementing the DC source is considered as a routine skill in the art.

Regarding claims 19-22, Kim describes substantially the claim invention as noted above except for predetermining designated area such as exit sign or on a wall/floor for mounting the panel as required in above claims.

Gross teaches emergency egress illumination and marker light stripe door (Fig. 1), comprising a stripe (40) providing a path of marking egress located near building floor as well as light emitting devices (46, 50) lighting the exit sign located near a door (col. 4, lines 6-65 and col. 5, lines 1-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate electro-luminescent stripes as taught by Gross into Kim lighting system in order to extend a variety of safety passageway configuration necessarily provided in a critical condition.

7. Claims 23 and 24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kim in view of Herzog (US Pat. 3,869,639).

Kim describes substantially the claim invention comprising means for adjusting the light intensity as noted above except for a power means comprising a power supply having an input coupled to the line side of an electrical switch supplying commercial AC power to the conventional lighting located in said designated area and a DC source in the absence of AC power at the line side of said electrical switch.

Herzog discloses emergency lighting system using DC battery for backing up power during an AC line voltage fails (col. 2, lines 1-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize DC power source for backing up when emergency as taught by

Herzog into Kim lighting system in order to improve reliability of the visible emergency lighting system.

Allowable Subject Matter

8. Claims 25-34, 36 and are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to suggest a self-diagnostic testing means detecting electric short circuit and an electrical open circuit of an EL panel as required in claims 25 and 36.

Correspondence

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 703 306 5497. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 703 308 4856. The fax phone numbers for the


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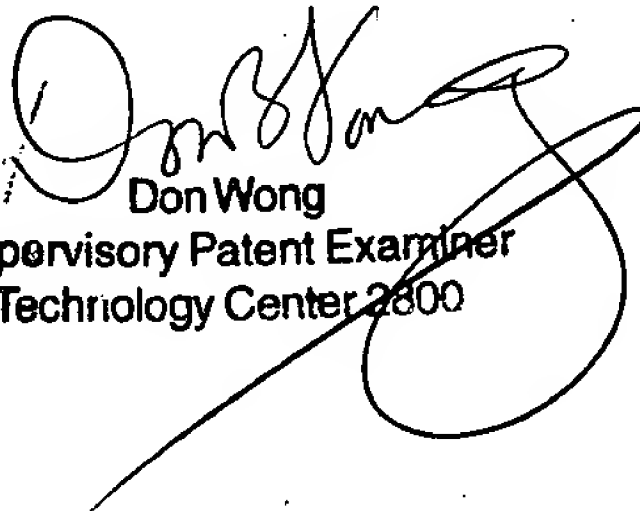
organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956



Tuyet Vb

June 23, 2003



Don Wong
Supervisory Patent Examiner
Technology Center 2800